

REMARKS

In the Office Action: Claims 18-20 were rejected under 35 U.S.C. §112, first paragraph. Claims 1-15 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Corriveau et al. (U.S. Patent No. 5,991,633) in view of Quick, Jr. (U.S. Patent No. 5,673,259). Claim 16 was objected to as being dependent upon a rejected base claim.

In response to the rejection of claims 18-20 under 35 U.S.C. §112, first paragraph, the Applicant respectfully requests reconsideration. These claims recite an apparatus comprising a receiver and circuitry.

On page 2 of the Office Action, it is stated that "... applicant's specification and drawing fails describe detail of a receiver and circuitry as claimed." The present application does disclose a mobile station and a base station (e.g. page 6, line 20). The Applicants respectfully submit that one of ordinary skill in the art would appreciate that at least one of a mobile station and a base station include a receiver and circuitry, as recited in claims 18-20. In other words, the Applicant respectfully submits that the recitations of "a receiver" and "circuitry" are inherent to the disclosure in the present application. At least for this reason, the Applicant respectfully submits that the recitations of claims 18-20 conform with 35 U.S.C. §112, first paragraph as the disclosure in the specification reasonably conveys to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

In response to the rejection of claims 1-15 and 17 under 35 U.S.C. §103(a) as being unpatentable over Corriveau et al. in view of Quick, Jr., the Applicant respectfully requests reconsideration. These claims recite "... transmitting . . . state information and power control information to respective mobile stations through the forward common channel." (Emphasis added).

Corriveau et al. relates to a method of dynamically controlling the length of R_DATA messages on a random access channel. On page 3 of the Office Action, it is stated that "Corriveau et al. does not . . . disclose transmitting power control information." Accordingly, Corriveau et al. is deficient in disclosing all of the recitations of claims 1-15 and 17. Quick, Jr. relates to a random access communications channel for data services. Quick, Jr. does disclose in column 10, lines 34-37 that "[a] command signal is generated at the cell-site 108 and transmitted to the remote unit 102 for adjusting the transmission power of the remote unit 102" It is disclosed in column 10, lines 48-50 that " . . . it is preferable to use the same power control method, on both the Traffic Channels and the random access channels. " However, there is no disclosure of transmitting power control information through a forward common channel, as recited in claims 1-15 and 17.

Based on the disclosure of Quick, Jr., a random access channel is not a forward common channel. This is evident and apparent from the disclosure from column 8, line 52 through column 9, line 3 and column 10, lines 20-53. Accordingly, Quick, Jr. does not alleviate the

deficiencies of Corriveau et al. At least for this reason, a *prima facie* case of obviousness has not been established.

In response to the objection to claim 16 as being dependent upon a rejected base claim, the Applicant respectfully requests reconsideration. The Applicant respectfully submits that, in accordance with the remarks set forth above, claim 16 is allowable, because claim 16 is dependent on claim 1.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel H. Sherr, at the telephone number listed below.

Serial No. 09/348,634

Docket No. K-093

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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